



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re Application of:*

M. Bristow *et al.*

Serial No.: 09/782,953

Filed: April 25, 2000

For: DIAGNOSIS AND TREATMENT OF  
MYOCARDIAL FAILURE

Group Art Unit: 1632

Examiner: Shukla, Ram R.

Atty. Dkt. No.: MYOG:004USD1/SLH

CERTIFICATE OF MAILING  
37 C.F.R. §1.8

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November 12, 2004  
Date

Gina N. Shishima

Adjustment date: 11/01/2006 CKHLOK  
04/24/2006 SFELEKE1 00000048 501212 09558472  
-1500.00 OP  
01 FC:1453

APPEAL BRIEF

Adjustment date: 11/01/2006 CKHLOK  
04/24/2006 SFELEKE1 00000048 501212 09558472  
02 FC:1402 170.00 CR -330.00 OP

Repln. Ref: 11/01/2006 CKHLOK 0009091600  
DAB:501212 Name/Number:09558472  
FC: 9204 \$1830.00 CR

11/17/2004 ZJUHAR1 00000131 09782953  
01 FC:2402 170.00 OP

Adjustment date: 11/01/2006 CKHLOK  
11/17/2004 ZJUHAR1 00000131 09782953  
01 FC:2402 -170.00 OP

11/01/2006 CKHLOK 00000006 501212 09558472  
01 FC:2402 170.00 OP  
02 FC:2231 55.00 DA

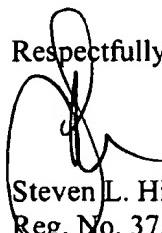
inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/MYOG:004USD1/SLH); Appeal Brief filed on November 12, 2004 wherein we noted the wrong application serial no. so the Appeal Brief was never matched up to the this file) and Petition for Extension of Time Under 37 CFR § 1.136(a). Enclosed herewith is a check in the amount of \$1,830.00 which covers the following fees -Petition to Revive Unintentionally Abandoned Application \$1,500.00; Appeal Brief \$500.00, minus \$170.00 paid for Appeal Brief filed on November 10, 2004.

The entire delay in filing the required documents was unintentional.

In view of the above, Applicant respectfully submits that the requirements of 37 C.F.R. § 1.137(b) have been met and request that this petition be granted.

While it is believed that no additional fees under 37 C.F.R. §§ 1.16 to 1.21 are occasioned by the filing of this petition, should the Commissioner determine otherwise, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/MYOG:004USD1/SLH.

Respectfully submitted,

  
Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicant

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
512.418.3184

Date: April 18, 2006



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Application of:

M. Bristow *et al.*

Serial No.: 09/558,472

Filed: April 25, 2000

For: DIAGNOSIS AND TREATMENT OF  
MYOCARDIAL FAILURE

Group Art Unit: 1632

Examiner: Ram R. Shukla

Atty. Dkt. No.: MYOG:004USD1/SLH

CERTIFICATE OF MAILING  
37 C.F.R. §1.8

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April 18, 2006  
Date

Steven L Highlander

**APPEAL BRIEF**

04/24/2006 SFELEKE1 00000048 501212 09558472

02 FC:1402 170.00 DA 330.00 DP

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PTO/SB/17 (10-04)  
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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 170.00)

## Complete If Known

Application Number	68-1003	09/658,172
Filing Date	April 25, 2000	
First Named Inventor	Michael Bristow	
Examiner Name	Shukla, Ram R.	
Art Unit	1632	
Attorney Docket No.	MYOG:004USD1	

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number  
Deposit Account Name

50-1212

Fulbright & Jaworski, LLP

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
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## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>			

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Fee from Extra Claims below			Fee Paid
	-20** =	X	=	
Independent Claims				
Multiple Dependent				

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		

\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
<b>SUBTOTAL (3) (\$)</b>			170.00

(Complete if applicable)

SUBMITTED BY			
Name (Print/Type)	Steven L. Highlander	Registration No. (Attorney/Agent)	37,642
Signature	For STEVE HIGHLANDER		
Date	11/12/04		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

45,104 This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES PATENT & TRADEMARK OFFICE  
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20f 2

REQUEST FOR PATENT FEE REFUND					
1 Date of Request: <u>10/30/06</u>		2 Serial/Patent # <u>09558472</u>			
3 Please refund the following fee(s):			4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input checked="" type="checkbox"/>	Filing				\$
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<input checked="" type="checkbox"/>	Notice of Appeal/Appeal (1402)		04/21/06	\$	500.00
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			7 TOTAL AMOUNT OF REFUND	\$ <u>2,000.00</u>	
8 TO BE REFUNDED BY:					
10 REASON:			Treasury Check		
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<input checked="" type="checkbox"/>	Duplicate Payment	<input checked="" type="checkbox"/>	9	5 0 -- 1 2 1 2	
<input checked="" type="checkbox"/>	No Fee Due (Explanation):  Notice of Abandonment withdrawn.				
11 REFUND REQUESTED BY: <u>C. T. Donnell</u>					
TYPED/PRINTED NAME: <u>C. T. Donnell</u>			TITLE: Petitions Attorney		
SIGNATURE: <u>C. T. Donnell</u>			PHONE: 2723211		
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